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January 6th, 2015 Minutes

Brookings County Planning & Zoning Commission  
January 6<sup>th</sup>, 2015 – 7:00 P.M.  
Brookings City & County Government Center  
310 Chambers

Chair Robbins called the meeting to order at 7:00 P.M. Commission members present were: Lee Ann Pierce, Bob Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Laurie Nichols, Terrell Spence and Randy Jensen.

Chair Robbins read **agenda item # 1: Approval of Minutes from December 2<sup>nd</sup>, 2014, December 18<sup>th</sup>, 2014 and correction of November 25<sup>th</sup>, 2014 minutes.** Darrell Nelson moved to approve the minutes. Laurie Nichols second. Chair Robbins opened for discussion, seeing none called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 2: Items to be added to agenda by commission members or staff.** Bob Hill added: a) Joint Jurisdiction discussion with the City of Volga, b) Oseby gravel, c) the public hearing on the proposed ordinance change will start at approximately 7:30 P.M. Luke Mueller, the First District Association of Local Governments representative had a flat tire on the way down here and Todd Kays the Director of First District is on his way down here to take his place, c) Mr. Hill welcomed our new board members, county commissioner Lee Ann Pierce and Terrell Spence to the board.

Chair Robbins read **agenda item # 3: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** Mr. Robert Winter to address the board on the Osbey gravel pit.

Chair Robbins read **agenda item # 4: Approval of Agenda.** Bob Rochel moved to approve the agenda. Darrel Kleinjan second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 5: Election of Officers for 2015.** Chair Robbins turned the meeting over to Bob Hill for the election of chairman. Bob Hill opened up for nominations for chairman. Darrell Nelson nominated Jeff Robbins. Mr. Hill asked for further nominations three more times, seeing none, he called for a voice vote, 9-ayes and 0-nays. Bob Hill turned the meeting over to

Chairman Robbins. Chair Robbins opened up for nominations for vice chairman. Chair Robbins nominated Bob Rochel for vice chairman. Chair Robbins asked for further nominations three more times, seeing none, he called for a voice vote, 9-aye and 0-nays.

Chair Robbins stated, "We are now acting as the Brookings County Board of Adjustment", read the opening statement and **agenda item # 6: 2014var013: Tabled from December 2<sup>nd</sup>, 2014 meeting. JAARL Investments LLC by Mark Norgaard has made an application, 2014var013, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lake Poinsett Heights OL"A" & E112' of OL"B" & Incl OL"C" in Govt. Lots 2 & 3 of Sec. 5, T112N, R52W (Laketon Township)" ~ 126 S Lake Dr, Arlington, SD 57212 is the address.** Chair Robbins stated "The applicant has requested this be tabled until the February 3<sup>rd</sup>, 2015 meeting. Bob Rochel moved to table until the February 3<sup>rd</sup>, 2015 meeting. Darrell Nelson second. Chair Robbins opened up for discussion and called for a roll call vote: Pierce-aye, Rochel-aye, Elenkiwich-nay, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-nay and Robbins-aye. 7-ayes and 2-nays, motion carried.

Chair Robbins stated "We are now acting as the Brookings County Planning Commission", read the opening statement and **agenda item # 8: Consideration of Plats: a. 2015plat001: "Plat of Tract 1 Wendt Addition in the N1/2 of the NE1/4 of Sec. 34, T111N, R50W of the 5<sup>th</sup> P.M., Brookings County, South Dakota."** Kimberly Elenkiwich removed herself from the board at this time due to a conflict of interest. Alternate board member Tom Davis took his position on the board. Lee Ann Pierce moved to approve the plat. Bob Rochel second. Chair Robbins opened up for discussion and asked Ms. Thoreau for her staff report. Ms. Thoreau stated, "They are platting off an existing homestead. The plat did not have any stated easements noted on the property and the plat was updated by the surveyor, with a note on the easement and corrected an error in the description." Chair Robbins opened up for discussion from the board, seeing none, he opened up for discussion from the audience. Mr. Hill stated, "Easements are required in the subdivision ordinance, for a true subdivisions. If it is a true subdivision, then it is required. I visited with the Deputy State's Attorney and the Register of Deeds on this, if it is for single lot or two lots, this may need to be changed when we update the ordinance. What the surveyors are saying is there is no way to know if an easement is going to be connected to it. There is some confusion and may need to update the subdivision ordinance." Chair Robbins called for a roll call vote: Rochel-aye, Elenkiwich-abstained, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Davis-aye, Pierce-nay and Robbins-aye. 8-ayes and 1-nays, motion carried. Alternate board member Tom Davis removed himself from the board and Kimberly Elenkiwich returned to the board at this time.

Chair Robbins read **agenda item # b: 2015plat002: "Plat of Bolstad Addition located in the NE1/4, Sec. 15, T109N, R52W of the 5<sup>th</sup> P.M., Brookings County, South Dakota."** Darrell Nelson moved to approve the plat. Kimberly Elenkiwich second. Chair Robbins opened up for discussion and asked Ms. Thoreau for her staff report. Ms. Thoreau stated, "They are platting off an

existing homestead. The plat was updated by the surveyor as some legal descriptions were missing.” Chair Robbins opened up for discussion from the audience, seeing none he called for a roll call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye and Robbins-aye. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 2: Items to be added to agenda by commission members or staff and asked Mr. Hill to address the board: a) Joint Jurisdiction with City of Volga, b) Osbey gravel pit.** Mr. Hill stated, “Luke Muller from First District has been working with the city of Volga about the possibility of joint jurisdiction area with the county. Being Luke will not be here we will discuss that at a later date. Mr. Hill stated, “Mr. Winter’s from Osbey’s gravel pit is here and will address the board.”

Chair Robbins read **agenda item # 3. Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board: a) Robert Winter.** Chair Robbins asked Mr. Winter to address the board. Mr. Robert Winter stated, “We have operated the Osbey gravel pit south of town for about three years as Mr. Osbey is in poor health. When it was permitted there was a 10 year time limit on it. I would like to continue the mining operation for another 10 years.” The board discussed it and determined that Mr. Winter should reapply for a conditional use the mining operation.

Chair Robbins read **agenda item # 7: The Brookings County Planning Commission will hold a public hearing on proposed changes in the Brookings County Zoning Ordinance. These proposed changes will be in: Article 5:00 – County Zoning Commission, Appeals, Variance and Conditional Uses. Copies of the ordinance changes are available at the Brookings County Finance Office, Brookings County Zoning Office or on line at: [www.brookingscountysd.gov](http://www.brookingscountysd.gov) .The public hearing will be held in the Brookings City & County Government Center, 310 Chambers, 520 3<sup>rd</sup> St, Brookings, SD 57006 on Tuesday, January 6<sup>th</sup>, 2015 at 7:00 PM.** Chair Robbins opened the public hearing at 7:30 P.M. and asked Mr. Todd Kays from First District of Local Governments to go over the proposed changes to Article 5 of the Brookings County Zoning Ordinance, which are on file. Mr. Todd Kays went over the proposed changes with the board. Chair Robbins opened the hearing to the audience. Mr. Steve Hemmingsen, Eowyn Corral, Jim Eggen, Ben Gates, Jay Nelson, Catherine Carter and Laverne Jerred addressed the board with concerns of: don’t rush things to fast, more public notification, more public input, cost of appeals to the county, definitions-how things are defined, can this and the comprehensive plan be referred. Chair Robbins closed the public hearing to the public at 8:53 P.M. and called for short recess. Chair Robbins reconvened the public hearing at 9:00 P.M. and opened up for discussion from the board on the proposed changes. The board discussed: publication notice in the legal papers of the county, number of days the public notice needs to be published, how adjoining land owners are notified and how numbers of days they need to be notified, can public notices be put on the website. Todd Kays will take the board’s concerns

and will bring back an updated proposed ordinance update in the future. Chair Robbins closed the public hearing.

Chair Robbins read **agenda item # 9: Department Reports.** Chair Robbins asked Mr. Hill for his department report. Mr. Hill went over dates for a work session on comprehensive plat update. The board determined that January 30<sup>th</sup>, 2015 from 10:00 AM – 2:00 PM will be the meeting date of the work session. After the last comprehensive plan work session a representative from Daktronics gave a presentation. After the presentation she contacted my office and said she could do a survey of Daktronics's employees if the board would like her to. We could not just take their data, we would need to take other's input as well. We would need to get that out to everyone to for their input and not just one company. I will reply back to them that we will discuss this further at the January 30<sup>th</sup>, 2015 meeting.

Chair Robbins adjourned the meeting at 10:04 PM.

Richard Haugen  
Brookings County  
Development Department.